

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FEIN, SUCH & CRANE LLP;
DAVID P. CHASE, ESQ.;
MARK K. BROYLES, ESQ.;
CRAIG K. BEIDEMAN, ESQ.,

Plaintiffs,

24-CV-737 (JLS) (JJM)

v.

SHANE CHRISTOPHER BUCZEK,

Defendant.



DECISION AND ORDER

On April 12, 2024, Plaintiffs commenced this action on April 23, 2024 in New York State Supreme Court, Erie County, against Defendant Shane Christopher Buczek. *See* Dkt. 3-1 at 1-2. Plaintiffs then filed an amended complaint on June 17, 2024. *See id.*; Dkt. 3-2 (copy of amended summons and complaint). Both complaints allege violation of N.Y. Civil Rights Law § 70-a (Anti-SLAPP), abuse of process, and malicious prosecution claims against Buczek in connection with state and federal court actions Buczek commenced against Plaintiffs. *See* Dkt. 3-1 at 1-2.; Dkt. 3-2. Buczek removed the action to federal court based on federal question jurisdiction on August 6, 2024. Dkt. 1.

The Court referred this case to United States Magistrate Judge Jeremiah J. McCarthy for all proceedings under 28 U.S.C. § 636(b)(1)(A), (B), and (C). Dkt. 2.

On August 22, 2024, Plaintiffs moved to remand to state court. Dkt. 3. Buczek opposed the motion to remand on October 9, 2024. Dkt. 9.

On December 4, 2024, Judge McCarthy issued a Report and Recommendation (“R&R”), which concluded that Plaintiffs’ amended complaint does not raise federal question jurisdiction. *See* Dkt. 11 at 1-7. Judge McCarthy therefore recommended that this Court grant Plaintiff’s motion to remand. Dkt. 11.

Buczek objected to the R&R. Dkts. 14, 15. Plaintiffs responded. Dkt. 17. Buczek replied. Dkt. 20.

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge’s recommendation to which a party objects. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

This Court carefully reviewed the R&R, the objections, and the relevant record. Based on its *de novo* review, the Court accepts the R&R’s recommendation to grant Plaintiffs’ motion to remand.

For the reasons in the R&R, Plaintiff's motion for remand (Dkt. 3) is GRANTED, and this case is REMANDED to state court. The Clerk of Court shall close this case.

SO ORDERED.

Dated: May 9, 2025
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE